UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CURTIS NESBIT, LISA POMPER AND JEFFREY STOCK,

Plaintiffs,

- v. -

BRIEFLY STATED, INC. and BRIEFLY STATED INC. PROFIT SHARING PLAN,

Defendants.

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Case No. 10-cv-06388 (DAB) (KNF)

JOINT PROPOSED DISCOVERY PLAN AND BRIEFING SCHEDULE

The parties to the above-captioned action ("Action"), having conferred pursuant to Federal Rule of Civil Procedure 26(f), hereby submit this joint proposed discovery plan and briefing schedule:

1. Discovery shall close on March 7, 2011.

2. Defendants shall, by no later than January 7, 2011, respond to Plaintiffs' November 16, 2010 discovery request.

3. The parties shall be entitled to use in this Action the discovery materials from *Lavin v. Briefly Stated, Inc.* ("*Lavin*"), 09-cv-8610 (S.D.N.Y.). The February 17, 2010 confidentiality order issued in *Lavin* shall apply to any *Lavin* discovery materials used in this Action.

4. The parties shall enter into and submit to the Court a reasonable confidentiality order governing the confidentiality of discovery materials in the instant Action.

5. Any summary judgment motion shall be filed by ECF by March 25, 2010, and may be filed without a pre-motion conference.

6. Any papers in opposition to a summary judgment motion shall be filed by ECF by April 15, 2010. No reply papers are permitted.

Respectfully submitted,

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SO ORDERED:

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